

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SANTOS SALAS and ANITA GUTIERREZ,

No. C-04-01682 EDL

Plaintiffs,

**ORDER GRANTING PLAINTIFFS'
MOTION FOR LEAVE TO FILE THIRD
AMENDED COMPLAINT**

v.

HILLTOP FINANCIAL MORTGAGE, INC., et
al.

Defendant.

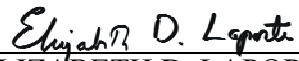
Plaintiffs Santos Salas and Anita Gutierrez filed a motion for leave to file a third amended complaint, seeking to name a new defendant, Thanh “Tom” Nguyen, the owner and president of defendant Hilltop Financial Mortgage, Inc., and add a negligence claim to their second amended complaint. Finding the matter appropriate for decision without oral argument, the Court has taken the motion under submission and grants the motion for leave to amend. While Plaintiffs brought their motion at a late stage in the proceeding, the problem was in part due to delays in discovery. It would not be efficient to require Plaintiffs to file a second lawsuit when the same transactions involving the same people give rise to the proposed amendments. Further, Mr. Nguyen, as the owner and president of Hilltop, is not a stranger to the litigation and will be able to get to speed on these issues relatively quickly. Any potential prejudice from the amendment may be cured by allowing limited additional discovery and briefly extending the discovery, motions, and trial dates.

The Court therefore orders the parties to appear at the October 11, 2005 hearing prepared to discuss: (1) the additional discovery they anticipate will be necessary, and why; (2) representation of Mr. Nguyen; and (3) proposed changes to the case management and pretrial order that was filed on

1 April 1, 2005. (Counsel for Hilltop and for defendant Encore Credit Corporation both requested and
2 were granted permission to appear telephonically.)

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4 **IT IS SO ORDERED.**

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6 Dated: October 7, 2005



ELIZABETH D. LAPORTE
United States Magistrate Judge